

**FEDERAL ELECTION COMMISSION**  
999 E Street, N.W.  
Washington, D.C. 20463

JAN 19 2000  
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FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2000 JAN 19 P 3 46

**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

RAD REFERRAL: 99L-12

DATE ACTIVATED: October 22, 1999

EXPIRATION OF STATUTE OF

LIMITATIONS: October 15, 2003

STAFF MEMBERS: Donald E. Campbell  
Tony Buckley

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Tammy Baldwin for Congress and  
Michael Childers, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)(A)

**I. GENERATION OF MATTER**

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on August 13, 1999. The basis for the referral is the failure of Tammy Baldwin for Congress and Michael Childers, as treasurer ("the Respondents"), to file twenty-nine 48 Hour notifications ("48 Hour Notices"), for contributions totaling \$37,502.92.<sup>1</sup> Tammy Baldwin won the 1998 General Election in the 2nd Congressional District in the State of Wisconsin with 52.5% of the vote.

**II. FACTUAL AND LEGAL ANALYSIS**

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(6)(A).

<sup>1</sup> In its referral, RAD noted that "[t]he recipient committee, in accordance with 11 CFR §110.6 (c)(2), must disclose the date on which [the] conduit committee receives the earmarked contribution as well as the date on which the recipient committee receives the earmarked contribution from the conduit committee. With respect to some of the earmarked contributions received from the two conduit committees, it is not clear when the Respondents received these contributions." This Office has included these contributions in the referral if the Respondents' or conduit committees' receipt date falls within the 48-Hour Notice window.

### III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

In addition to the reason to believe recommendation, this Office recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

### IV. RECOMMENDATIONS


1. Open a MUR.
2. Find reason to believe that Tammy Baldwin for Congress and Michael Childers, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble  
General Counsel

Date

1/18/00

BY:

  
Lois G. Lerner  
Associate General Counsel

#### Attachments:

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement